

SENATE BILL No. 439

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-34.

Synopsis: Mesker Park Zoo development tax area. Allows Vanderburgh County to designate the Mesker Park Zoo development tax area covering certain facilities. Requires the area to be established before July 1, 2006, and provides that the area terminates not later than December 31, 2035. Provides that covered taxes earned in the tax area are allocated to the Mesker Park Zoo account. Provides that money in the account may be used only for: (1) a Mesker Park Zoo capital improvement; or (2) the financing or refinancing of a capital improvement.

Effective: July 1, 2005.

Server

January 13, 2005, read first time and referred to Committee on Tax and Fiscal Policy.

C
o
p
y



Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 439

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7-34 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]:

4 **Chapter 34. Mesker Park Zoo Development Tax Area**

5 **Sec. 1. This chapter applies to Vanderburgh County.**

6 **Sec. 2. As used in this chapter, "budget agency" means the**
7 **budget agency established by IC 4-12-1-3.**

8 **Sec. 3. As used in this chapter, "budget committee" has the**
9 **meaning set forth in IC 4-12-1-3.**

10 **Sec. 4. As used in this chapter, "covered taxes" means the**
11 **following:**

12 **(1) The state gross retail tax imposed under IC 6-2.5-2-1 or**
13 **use tax imposed under IC 6-2.5-3-2.**

14 **(2) An adjusted gross income tax imposed under IC 6-3-2-1 on**
15 **an individual.**

16 **(3) A county option income tax imposed under IC 6-3.5.**

17 **(4) A food and beverage tax imposed under IC 6-9.**



C
o
p
y

1 Sec. 5. As used in this chapter, "department" refers to the
2 department of state revenue.

3 Sec. 6. As used in this chapter, "tax area" means the Mesker
4 Park Zoo development tax area established under section 8 of this
5 chapter.

6 Sec. 7. As used in this chapter, "taxpayer" means a person that
7 is liable for a covered tax.

8 Sec. 8. The county legislative body may establish the Mesker
9 Park Zoo development tax area. The tax area may include the
10 following:

11 (1) Any facility that is:

12 (A) located in Vanderburgh County; and

13 (B) part of Mesker Park Zoo.

14 (2) Any parcel of land on which a facility described in
15 subdivision (1) is located.

16 (3) Noncontiguous tracts of land within Vanderburgh County.

17 Sec. 9. (a) A tax area under this chapter must be initially
18 established by resolution before July 1, 2006, according to the
19 procedures set forth for the establishment of an economic
20 development area under IC 36-7-14. A tax area may be changed or
21 the terms governing the tax area may be revised in the same
22 manner as the tax area is established.

23 (b) In establishing the tax area, the county legislative body must
24 make the following findings instead of the findings required for the
25 establishment of economic development areas:

26 (1) There is a capital improvement or project that will be
27 undertaken or has been undertaken in the tax area for a
28 facility that is part of Mesker Park Zoo.

29 (2) The capital improvement or project that will be
30 undertaken or has been undertaken in the tax area will be of
31 public utility and benefit.

32 (c) A tax area established under this chapter is a special taxing
33 district authorized by the general assembly to enable Vanderburgh
34 County to provide special benefits to taxpayers by promoting
35 economic development that is of public use and benefit.

36 Sec. 10. (a) A resolution establishing a tax area must provide for
37 the allocation of covered taxes earned or paid in the tax area to the
38 Mesker Park Zoo account established for the county under section
39 14 of this chapter. The allocation provision must apply to the entire
40 tax area. The resolution must provide that the tax area terminates
41 not later than December 31, 2035.

42 (b) In addition to the allocation made under subsection (a), any

C
o
p
y



1 state and local taxes on salary, wages, bonuses, or other
2 compensation that is:

- 3 (1) paid during a taxable year to an employee of Mesker Park
- 4 Zoo;
- 5 (2) taxable in Indiana; and
- 6 (3) earned in the tax area;

7 must be allocated to the tax area.

8 (c) The total amount of state revenue captured by the tax area
9 may not exceed five dollars (\$5) per resident of the county per year
10 for twenty (20) consecutive years.

11 (d) The resolution establishing the tax area must designate the
12 facility or proposed facility for which the tax area is established.

13 (e) The department may adopt rules under IC 4-22-2 and
14 written guidelines to govern the allocation of covered taxes to a tax
15 area.

16 Sec. 11. Upon adoption of a resolution establishing a tax area
17 under section 10 of this chapter, the county legislative body shall
18 submit the resolution to the budget committee for review and
19 recommendation to the budget agency.

20 Sec. 12. (a) The budget agency must approve a resolution
21 adopted under section 10 of this chapter before covered taxes may
22 be allocated.

23 (b) When considering a resolution, the budget committee and
24 the budget agency must make the following findings:

- 25 (1) The cost of the facility specified under the resolution
- 26 exceeds ten thousand dollars (\$10,000).
- 27 (2) The capital improvement specified by the resolution is
- 28 economically sound and will benefit the people of Indiana.
- 29 (3) Vanderburgh County has committed significant resources
- 30 toward completion of the improvement.

31 Sec. 13. Whenever the county legislative body adopts an
32 allocation provision under section 10 of this chapter, the county
33 fiscal officer shall notify the department by certified mail of the
34 adoption of the provision and shall include with the notification a
35 complete list of the following:

- 36 (1) Employers in the tax area.
- 37 (2) Street names and the range of street numbers of each
- 38 street in the tax area.

39 The county fiscal officer shall update the list before July 1 of each
40 year.

41 Sec. 14. If a tax area is established under section 10 of this
42 chapter, an account within the state general fund known as the

C
O
P
Y



Mesker Park Zoo account is established for the tax area. The account shall be administered by the department. Money in the account does not revert to the state general fund at the end of a state fiscal year.

Sec. 15. Covered taxes attributable to a taxing area under section 10 of this chapter shall be deposited in the Mesker Park Zoo account.

Sec. 16. On or before the twentieth day of each month, all amounts held in the Mesker Park Zoo account shall be distributed to the county fiscal officer.

Sec. 17. The department shall notify the county fiscal officer of the amount of taxes to be distributed to the county fiscal officer under this chapter.

Sec. 18. All distributions from the Mesker Park Zoo account shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the county fiscal officer.

Sec. 19. The resolution adopted under section 10 of this chapter establishing the tax area must designate the use of money in the Mesker Park Zoo account. Money in the account may be used only for:

- (1) a capital improvement that is part of Mesker Park Zoo; or
- (2) the financing or refinancing of a capital improvement described in subdivision (1) or the payment of lease payments for a capital improvement described in subdivision (1).

Sec. 20. The county legislative body shall repay to the Mesker Park Zoo account any amount that is distributed to the county legislative body and used for:

- (1) a purpose that is not described in this chapter; or
- (2) a facility other than the facility to which covered taxes are designated under the resolution adopted under section 10 of this chapter.

The department shall distribute the covered taxes repaid to the Mesker Park Zoo account under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

Sec. 21. This chapter expires December 31, 2035.

C
o
p
y

